

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Revision of Part 22 of the )  
Commission's Rules Governing )  
the Public Mobile Services )

CC Docket No. 92-115

Amendment of Part 22 of the )  
Commission's Rules to Delete )  
Section 22.119 and Permit the )  
Concurrent Use of Transmitters )  
in Common Carrier and Non-Common )  
Carrier Service )

CC Docket No. 94-46  
RM 8367

Amendment of Part 22 of the )  
Commission's Rules Pertaining to )  
Power Limits for Paging Stations )  
Operating in the 931 MHz Band in )  
the Public Land Mobile Service )

CC Docket No. 93-116

To: The Commission

**REPLY COMMENTS OF AIRTOUCH PAGING**

AirTouch Paging hereby submits its reply comments with reference to the petitions for reconsideration and/or clarification filed on or about December 19, 1994 in response to the Report and Order in the above-captioned proceeding.<sup>1/</sup> In reply, the following is respectfully shown:

1. AirTouch Paging was a party to comments in this proceeding that supported certain petitions for

<sup>1/</sup> CC Docket No. 92-115, released September 9, 1994 ("Part 22 Rewrite Order").

reconsideration in this docket.<sup>2/</sup> Specifically, AirTouch Paging supported the requests for the following changes in the new rules: (a) Public Mobile Service licensees should be able to share transmitters; (b) the requirement that licensees initiate service to the public prior to the expiration date of the authorization for the first transmitter of a wide-area system should be relaxed; (c) the moratorium on reapplying for expired channels should be modified; (d) the pre-existing 931 MHz licensing rules should be applied to all previously filed applications; (e) the definition of a "new station" application should be conformed to prior case precedent rather than using the 2 kilometer standard; (f) the additional channel policies should be liberalized; and (g) pro forma ownership change filing procedures, affiliate list requirements and microfiche requirements should be relaxed.

2. Comments on the various reconsideration petitions were filed by eight parties in addition to AirTouch.<sup>3/</sup> A review of these comments reveals no

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<sup>2/</sup> See Joint Comments of AirTouch Paging and Arch Communications Group on the Petitions for Reconsideration, filed January 20, 1995.

<sup>3/</sup> See Comments by C-Two-Plus Technology, Inc. ("C2+"), Opposition by Cellular Telecommunications Industry Association ("CTI"), Comments and Opposition by GTE Service Corporation ("GTE"), Comments by Matsushita Communications Industrial Corporation of America ("Matsushita"), Comments by McCaw Cellular Communications, Inc. ("McCaw"), Opposition by MTC  
(continued...)

disagreement on the specific points to which AirTouch Paging addressed its comments.<sup>4/</sup> Indeed, several filers have submitted comments that echo the views expressed by AirTouch Paging. For example, GTE concurs that Section 22.108 of the rules regarding real party in interest disclosures should be narrowed to limit the information on affiliates to those engaged in the Public Mobile Services.<sup>5/</sup> GTE, McCaw and Sprint all support the adoption of a streamlined approach for pro forma assignments and transfers.<sup>6/</sup> ProNet supports the view that all outstanding applications and pleadings involving 931 MHz paging application should be resolved under pre-existing rules and case precedents rather than being subjected to new rules retroactively applied.<sup>7/</sup> These comments are consistent with the positions advocated by AirTouch Paging, and should be viewed as reflecting an emerging consensus on these issues.

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<sup>3/</sup>(...continued)

Communications ("MTC"), Partial Opposition by ProNet, Inc. ("ProNet"), and Opposition by Sprint Corporation ("Sprint").

<sup>4/</sup> Many of the comments address cellular licensing rules, and the provisions regarding electronic serial numbers which are unrelated to the matters of concern to AirTouch Paging. See, e.g., comments of C2+, CTIA, Matsushita, and MTC Communications.

<sup>5/</sup> GTE Comments, Section II.A.

<sup>6/</sup> GTE Comments, Section II.D, McCaw Comments, Section iv, Sprint Opposition, p.2.

<sup>7/</sup> ProNet Opposition, p. 4.

3. The most detailed comments addressing issues of interest to AirTouch Paging were those of ProNet. ProNet is opposing in part the Petition for Reconsideration filed by Paging Network, Inc. ("PageNet") which sought, inter alia, changes in 931 MHz licensing procedures. PageNet had proposed a licensing scheme in which 931 MHz applications were divided into three different processing categories depending upon the filing and/or public notice date and their mx status.<sup>8/</sup> ProNet finds acceptable PageNet's proposal for the processing of applications in categories I and III, but objected to the proposal for processing applications in PageNet's category II.<sup>9/</sup> Particularly, ProNet is opposed to any procedure that would allow the Commission to avoid ruling on outstanding petitions for reconsideration of 931 MHz applications based upon pre-existing procedures.<sup>10/</sup>

4. AirTouch Paging has no applications in PageNet's category II, and thus will not be directly affected whether or not the PageNet proposal for this particular subset of applications is adopted. AirTouch Paging is concerned, however, that the dispute between ProNet and PageNet on this issue could be misread by the

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<sup>8/</sup> See PageNet Petition at p. 4.

<sup>9/</sup> Category II consisted of mutually exclusive applications or contested applications placed on public notice prior to October 26, 1994.

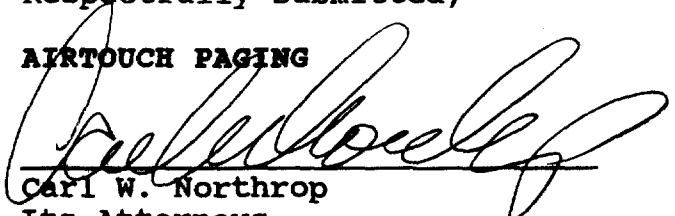
<sup>10/</sup> ProNet Opposition, p. 4.

Commission as reflecting greater diversity of opinion in the industry than actually exists. Virtually all of the comments on 931 MHz licensing procedures, including those of ProNet and PageNet, reflect a common theme that the rules should not be altered as drastically as proposed in the Part 22 Rewrite Order. In resolving the opposing positions of PageNet and ProNet, the Commission should not lose sight of the fact that there is indeed a general consensus that the prior 931 MHz licensing procedures should be retained to the maximum extent practicable.

5. In sum, based upon the foregoing, the Commission may proceed with its further consideration of the Part 22 rules knowing that the record of the proceeding supports reconsideration on the matters of concern to AirTouch Paging.

Respectfully submitted,

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January 30, 1995

**CERTIFICATE OF SERVICE**

I, Carolyn M. Floyd, hereby certify that I have  
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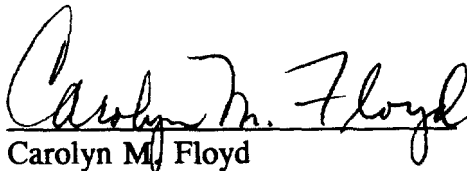
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